IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DARRYL DURR,	:	**Case No. 2:10-cv-288 MHW-MRA**
	:	
	:	**Judge: Michael Watson**
	:	
Plaintiff,	:	**Darryl Durr Is Scheduled**
v.	:	**To Be Executed on April 20, 2010**
	:	
TED STRICKLAND, Governor	:	
Et. al.		
Defendants.	:	

PLAINTIFF DARRYL DURR'S NOTICE OF RELATED CASE

On April 5, 2010, Plaintiff Durr filed a Motion to Proceed in Forma Pauperis and a Complaint for Declaratory Judgment. (Doc. 1)[1] Durr requests a declaratory judgment that carrying out a lethal injection using sodium thiopental and/or hydromorphone when the thiopental and/or hydromorphone is neither obtained, dispensed, administered, distributed nor injected by a doctor licensed to obtain, dispense, administer, distribute, or inject it, nor prescribed by a doctor licensed to do so, violates the Federal Controlled Substances Act and the Federal Food, Drug & Cosmetic Act.

This case was hand-filed and assigned to this Court. However, Plaintiff Durr is also involved in the lethal injection lawsuit that has been ongoing in Judge Gregory Frost's courtroom

1 While all the separate documents were filed, the complaint has been attached to the motion to proceed in forma pauperis, the assumption being that the clerk is waiting for an order on the motion before the complaint is actually filed. Counsel sent a copy of the motion to proceed in forma pauperis and the complaint to Charles Wille, who has been representing the Governor, the prison Wardens, the John Does and the Director of the Department of Corrections in the lethal injection lawsuit.

in *Cooey, et. al. v. Strickland, et.al,* SD OH Case No. 04-cv-1156. While the lethal injection lawsuit deals with the methodology of the execution and the current declaratory judgment action deals with the drugs used, they are related to each other. The parties are essentially the same. Pursuant to S.D. Ohio Civ. R 3.1(b), plaintiff is filing this notice of related case.

Respectfully submitted,

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By: s/ Kathleen McGarry
Counsel for Darryl Durr

CERTIFICATE OF SERVICE

The foregoing Notice of Related case was served by e-mail on Charles Wille, Assistant Attorney General on this 7th. day of April, 2010.

By: s/ Kathleen McGarry
Counsel for Darryl Durr